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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Internally displaced persons

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report prepared by the representative of the Secretary-General on internally displaced persons, Mr. Francis Deng (Sudan), in accordance with paragraph 9 of Commission on Human Rights resolution 1993/95 of 11 March 1993 and Economic and Social Council decision 1993/285 of 28 July 1993.

ANNEX

Report prepared by the representative of the Secretary-General on internally displaced persons, Mr. Francis Deng, in accordance with paragraph 9 of Commission on Human Rights resolution 1993/95 of 11 March 1993 and Economic and Social Council decision 1993/285 of 28 July 1993

I. INTRODUCTION

1. The appointment of the representative of the Secretary-General on internally displaced persons in July 1992 at the request of the Commission on Human Rights was a significant step in addressing the human rights dimension of the problem of internal displacement, which has drawn increased attention from the international community in recent years. The present report briefly covers the process leading to that step, the activities in which the representative of the Secretary-General has engaged since his appointment and those he plans to carry out over the next phase of his mandate.

2. The Economic and Social Council, in its resolution 1990/78 of 27 July 1990, requested the Secretary-General to initiate a United Nations system-wide review to assess the experience and capacity of various organizations in the coordination of assistance to all refugees, displaced persons and returnees and, on the basis of such a review, to recommend ways of maximizing cooperation and coordination among the various organizations of the United Nations system in order to ensure an effective response to the problems of refugees, displaced persons and returnees.

3. The Commission on Human Rights, in its resolution 1991/25 of 5 March 1991, requested the Secretary-General to take into account the protection of human rights and the needs of internally displaced persons in the system-wide review and to submit to the Commission at its forty-eighth session an analytical report on internally displaced persons, based on information submitted by Governments, the specialized agencies, relevant United Nations organs, regional and intergovernmental organizations, the International Committee of the Red Cross (ICRC) and other non-governmental organizations.

4. After considering the analytical report of the Secretary-General on internally displaced persons, the Commission on Human Rights, at its forty-eighth session, in 1992, requested the Secretary-General to designate a representative to seek again views and information from all Governments on the human rights issues related to internally displaced persons and to submit a comprehensive study to the Commission at its forty-ninth session (resolution 1992/73 of 5 March 1992). That request was approved by Economic and Social Council decision 1992/243 of 20 July 1992.

5. Accordingly, the Secretary-General appointed Mr. Francis Deng (Sudan) as his representative on internally displaced persons and entrusted him with the preparation of the comprehensive study. The representative sent a questionnaire to all Governments, organizations and agencies specified in the Commission on Human Rights resolution, requesting information on the pertinent themes of the stipulated study, drawing attention to the analytical report and to a number of

specific issues. He also held consultations with the Secretary-General and senior United Nations officials, representatives of various permanent missions to the United Nations Office at Geneva, representatives of the United Nations High Commissioner for Human Rights (UNHCR), the International Organization for Migration (IOM) and ICRC and a number of other non-governmental organizations and academic institutions. To give a practical dimension to the study, the representative of the Secretary-General undertook on-site visits to a select number of countries where internal displacement was or threatened to become particularly pronounced.

6. The Commission on Human Rights, at its forty-ninth session, considered the comprehensive study of the representative of the Secretary-General (E/CN.4/1993/35) and adopted resolution 1993/95 of 11 March 1993, in which it requested the Secretary-General to mandate his representative on internally displaced persons for a period of two years to continue his work aimed at a better understanding of the general problems faced by internally displaced persons and their possible long-term solutions, with a view to identifying, where required, ways and means of improving protection for and assistance to internally displaced persons. The Commission also requested the representative of the Secretary-General to submit annual reports on his activities to the Commission and to the General Assembly (para. 9).

7. In its resolution 1993/95, the Commission encouraged the representative of the Secretary-General to cooperate and coordinate with the Department of Humanitarian Affairs of the Secretariat, UNHCR and ICRC, and called upon those agencies and other intergovernmental and non-governmental organizations to continue to cooperate with the representative and to assist him in his tasks (paras. 5 and 7).

8. The Commission on Human Rights also called upon all Governments to continue to facilitate the tasks and activities of the representative, including, where appropriate, through extending invitations for country visits (para. 8).

9. In its decision 1993/285 of 28 July 1993, the Economic and Social Council approved resolution 1993/95 of the Commission on Human Rights.

II. PROGRAMME OF ACTIVITIES

10. The representative of the Secretary-General is planning to engage in a continuing research project and policy analysis, the essence of which will be the quest for international protection and assistance for the internally displaced.

11. In thematic terms the project would cover several areas: it would review the global picture, dimensions and magnitude of the crisis of internal displacement; it would delineate the scope of internal displacement, utilizing causes and consequences as determinants; and it would use the paradigm of internal armed conflict as a focal premise for analysing cause and effect. In that connection, it has been observed that internal conflicts often reflect a crisis of national identity, generating cleavages between the Government or controlling authority and the affected community or population. It is the vacuum of responsibility created by that cleavage which makes the role of the

international community indispensable. However, the normative principles and the institutional and other enforcement mechanisms behind the required international action, currently underdeveloped and inadequate, need to be analysed and effectively adapted to the needs of the post-cold-war global context.

12. One of the tasks of the project will be the compilation of country profiles based both on available sources and field visits, and a survey of the actual situation inside the affected countries through a sample selected with a balance of geographical distribution. The country profiles would present the current situation of displacement (statistical evidence and basic needs), analysis of the causes of displacement, the major identity groups involved, the historical process by which those identities evolved, the specific issues in the conflict, the prevailing constitutional arrangements, pertinent legislation and political dynamics on those issues, the presence or absence of the international community, its effect in providing protection and assistance, and any shortcomings that would need to be remedied. The objective of the country profiles will be to understand more fully the issues related to internal displacement.

13. Another task to be accomplished would be an assessment of the present situation with respect to existing international law to determine the degree to which it provides an adequate basis for the protection of and assistance to the internally displaced, and for their return to their homes and home areas, whether there are gaps that would need to be filled and what specific legal reforms are required to do that.

14. The study will also require reviewing and evaluating the existing international institutions, their mandates and operations, the extent to which they provide comprehensive coverage for the needs of the internally displaced, whether there are gaps to be filled and what specific reforms might be introduced to provide needed institutional remedies.

15. Finally, a plan for action would emanate from an overall normative and operational evaluation of the current legal and institutional situation, which will include developing and proposing a strategy for international humanitarian human rights action. It would aim at evaluating more closely the challenge posed by the extreme suffering of masses of innocent civilians, the inability or unwillingness of the Governments concerned to provide protection and assistance or accept international cooperation to do so and the need to address in a practical way the issue of sovereignty under exceptional circumstances of compelling humanitarian tragedies where it constitutes an obstacle to urgently needed international protection and assistance.

III. IMPLEMENTATION OF THE PROGRAMME OF ACTIVITIES

16. Since the extension of his mandate, the representative has undertaken a number of activities in the implementation of his programme. He travelled to Geneva in June and August 1993 for consultations with the agencies mentioned in Commission on Human Rights resolution 1993/95, namely, UNHCR, the Department of Humanitarian Affairs, IOM and ICRC, and with other non-governmental organizations. He also had coordination meetings with the Centre for Human

Rights and met with the special rapporteur on population transfers of the Subcommission on Elimination of Discrimination and Protection of Minorities, Mr. A. S. Al-Khasawneh.

17. Apart from the consultations he has held at Geneva with the specialized agencies, the representative has been in continuous communication with the United Nations High Commissioner for Refugees, in an attempt to draw on the experience of UNHCR with internally displaced persons and its expertise with issues relating to refugeehood and displacement. He has also been in continuous contact with the Department of Humanitarian Affairs, in an effort to coordinate his activities with and contribute to the work of the Department's working group on internally displaced persons, the members of which represent all the agencies providing assistance to internally displaced persons. In that regard, it is agreed that the participation of the representative in the relevant task force is essential, and he has accordingly been invited by the Department to attend the meetings of the task force on the internally displaced.

18. With regard to the country profiles, the representative intends to visit countries in Asia, Latin America and Africa, where he has not yet been.

19. By letter dated 2 July 1993, the representative expressed to the Government of Sri Lanka his intention to visit that country in order to study the problem of internal displacement in all the aspects mentioned in Commission on Human Rights resolution 1993/95. By letter dated 29 September 1993, the Government invited the representative for a visit on mutually convenient dates as from around 15 October 1993; the representative plans to undertake his mission from 10 November 1993 for a period of eight days.

20. By letters dated 1 and 4 October 1993, the representative has also initiated consultations with the Governments of Colombia and Rwanda respectively, with a view to undertaking similar in situ visits, and he is hoping to travel to both countries before the next session of the Commission on Human Rights.

21. The representative has also contacted a number of academic institutions and policy non-governmental organizations in order to enlist their contributions in the legal and institutional aspects mentioned above in the programme of activities.

22. It is important to note that the mandate of the representative of the Secretary-General calls for a complex, comprehensive and challenging programme of activities, which will require commensurate human and financial resources. Unfortunately the Centre has so far not been in the financial position to make available more than limited short-term assistance. In order for the representative of the Secretary-General to continue implementing his programme of activities in a meaningful and productive manner, support for his mandate will have to be provided at a much more substantial level and on a more stable basis. The collaboration not only of the staff of the Centre for Human Rights, but also of scholars in concerned academic and research institutions and of others who can help provide different regional perspectives on the global dimension of the problem and the required approaches would be highly desirable.

23. Finally, given the acuteness of the crisis and the urgent need for remedies, it is to be hoped that the international community will soon see fit to developing appropriate normative principles and institutional arrangements for an effective response to the serious problem confronting the rapidly increasing numbers of internally displaced persons world wide. It would be tragically ironic if the international community were to see in the appointment of the representative of the Secretary-General a ground for complacency.